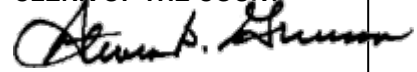


**EXHIBIT “2”**



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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

MARY A. POOL,

Plaintiff,

vs.

MACY'S RETAIL HOLDINGS LLC., a  
Foreign Limited Liability Company; KBS  
LTD., a domestic Limited Liability Company ;  
DOE EMPLOYEES I through X, inclusive;  
DOES I through X, inclusive; and ROE  
CORPORATIONS I through X, inclusive,  
Defendants.

Case No. A-21-840708-C

Dept. No. 21

**FIRST AMENDED COMPLAINT**

Plaintiff, MARY A. POOL by and through her Attorney, GEORGE T. BOCHANIS, ESQ., of the Law Offices of GEORGE T. BOCHANIS, LTD., complains and alleges as follows:

I.

That Plaintiff, MARY A. POOL, was a resident of Niagara Falls, Ontario, Canada at all times alleged herein.

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II

1 That Defendant, MACY'S RETAIL HOLDINGS LLC a Foreign Limited Liability  
2 Company, hereinafter, "MACY'S," was duly authorized to conduct business in Clark County,  
3 Nevada at all times alleged herein.

4 III.

5 That Defendant KBS LTD., a Domestic Corporation, hereinafter "KBS" was duly  
6 authorized to conduct business in Clark County, Nevada at all times alleged herein.

7 IV.

8 That the true names and capacities of Defendants named herein as DOE EMPLOYEES I  
9 through X, inclusive, DOES I through X, inclusive, and ROE CORPORATIONS I through X  
10 inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names.  
11 Plaintiff is informed and believes and thereon alleges that each of the Defendants designated  
12 herein as a DOE and/or a ROE is responsible for the events and happenings referred to and  
13 caused damages proximately to Plaintiff as alleged herein. Plaintiff alleges that said DOE/ROE  
14 Defendants I through X were responsible and liable for the inspection, maintenance and/or repair  
15 of the public walkways for this department store located in Las Vegas, Clark County, Nevada.  
16 Plaintiff further alleges that said DOE/ROE Defendants I through X, were responsible and liable  
17 for other components of the subject area at the time where this subject incident took place.  
18 Plaintiff will ask leave of Court to amend the Complaint to insert the true names and capacities  
19 of DOE EMPLOYEES I through X, inclusive, DOES I through X, inclusive and/or ROE  
20 CORPORATIONS I through X inclusive, when the same have been ascertained, and to join such  
21 other Defendants in this action.

22 V.

23 This Court has jurisdiction over this case under NRS 4.370(1) and NRS 14.065 as the  
24 matter in controversy exceeds \$20,000.00, exclusive of attorney's fees, interest and costs and the  
25  
26

1 facts alleged occurred in Clark County, Nevada. Venue is proper under NRS 13.040 as this  
2 action may be tried in any county which Plaintiff may designate in the complaint.

3 VI.

4 That at all times mentioned in this Complaint, Defendant MACY'S, was responsible for  
5 inspecting, maintaining, cleaning and repairing the public area walkways in its department store  
6 located in Las Vegas, Clark County, Nevada. That Defendant KBS was, upon information and  
7 belief, was providing housekeeping and/or cleaning for Defendant MACY'S at the location  
8 where the subject incident occurred.

9 VII.

10 That at all times mentioned in this Complaint, Defendants negligently inspected, repaired  
11 and maintained the walkways used by its customers at MACY'S department store located in in  
12 Las Vegas, Clark County, Nevada.

13 VIII.

14 That on or about September 18, 2019, Plaintiff MARY A. POOL was using the  
15 walkways, at MACY'S when she fell as a result of a hazardous walking surface condition as a  
16 direct and proximate result of employees, agents and/or representatives of the Defendant  
17 MACY'S, and/or KBS causing and/or allowing such a hazardous condition to exist without any  
18 notice or warning to the Plaintiff, causing Plaintiff to fall, which resulted in Plaintiff sustaining  
19 bodily injuries as alleged herein.

20 IX.

21 That prior to the occurrence of Plaintiff MARY A. POOL'S injuries, Defendants, and  
22 each of them, failed to adequately warn or make safe, the dangerous, defective and unsafe  
23 conditions, which Defendants knew or should have known, which were the cause of Plaintiff's  
24 injuries.

1 X.

2 That Defendant MACY'S is not allowed to delegate its responsibility for safety to its  
3 customers and other individuals using its walkways and walking surfaces by hiring a cleaning  
4 and/or housekeeping company.

6 XI.

7 That as a direct and proximate result of the aforesaid negligence of Defendants, and  
8 each of them, Plaintiff, MARY A. POOL, suffered personal injury receiving both internal and  
9 external injuries and great pain, suffering, shock and anxiety and was required to undergo  
10 medical treatment and incur expenses to employ the services of physicians and to procure x-rays,  
11 medicine and general medical care and attention. That as a result of the aforesaid actions,  
12 Plaintiff MARY A. POOL, has suffered damages in a sum in excess of \$20,000.00.

13 XII.

14 That as a further direct and proximate result of the foregoing, Plaintiff MARY A. POOL,  
15 has been and will in the future be caused to expend sums of money for medical care and  
16 expenses, the total amount of which cannot be determined at this time.

17 XIII.

18 That as a further direct and proximate result of the aforesaid negligence of Defendants  
19 and each of them, Plaintiff MARY A. POOL, has incurred other incidental damages in a sum to  
20 be determined at the time of trial.

21 **WHEREFORE,** Plaintiff MARY A. POOL, prays for judgment against  
22 Defendants, and each of them, as follows:

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1. For general and special damages in a sum in excess of \$20,000.00;
2. For attorney's fees as provided by Nevada Revised Statutes;
3. For legal pre-judgment interest at the highest rate allowable;
4. For costs of suit herein; and
5. For such other and further relief as this Court may deem just and proper under the circumstances.

DATED this 5th day of January, 2022.

**GEORGE T. BOCHANIS, LTD.**

/s/ George T. Bochanis, Esq.

**GEORGE T. BOCHANIS, ESQ.**

Nevada Bar No.: 2262

631 S. Ninth Street

Las Vegas, Nevada 89101

Attorney for Plaintiff

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